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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/709,078 | 04/12/2004 | Debra K. Stephens | U03-0193.77 | 3077 |
| 24239 | 7590 | 09/09/2005 | EXAMINER | |
| MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709 | | | SMITH, SHEILA B | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2681 | | |

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/709,078 | STEPHENS, DEBRA K. | |
| | Examiner | Art Unit | |
| | Sheila B. Smith | 2681 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3-31-05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Mizikovsky (U. S. Patent Number 5,559,860).

Regarding claim 1, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of automatically answering a mobile phone comprising : receiving a call ; detecting the calling party's phone number using a caller ID function (which reads on column 11 lines 40-65), determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself (which reads on column 13 lines 1-21), and automatically answering the call if the calling party's phone number is flagged as a phone number capable of causing the mobile phone to answer itself (which reads on column 12 lines 60-67).

Regarding claim 2, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses the mobile phone answers itself only after a pre-set number of rings (which reads on column 12 lines 60-67).

Regarding claim 3, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses the step of determining if the

calling party's phone number has been flagged as a phone number capable to answer itself comprises: of causing the mobile phone accessing a table containing one or more phone number entries that have been identified as incoming calling phone numbers answer itself (which reads on column 7 lines 21-31).

Regarding claim 4, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses the step of determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself comprises accessing the mobile phone's contact/phonebook (which reads on 46 caller ID memory) entries phone number matches a to determine if the incoming phone number in the mobile phone's internal phonebook (which reads on column 12 lines 60-67); and if a match is found, determining whether an override flag has been set for the phone number in the mobile phone's internal phonebook, said override flag capable of causing the mobile phone to answer itself (which reads on column 7 lines 21-31).

Regarding claim 5, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses automatically answering a mobile phone comprising: receiving a call; diverting the call to a voice mail feature if the call is not answered within a pre-set number of rings; monitoring the keypad entries input by the calling party (which reads on column 2 lines 21-31); determining if the keypad entries input by the calling party match a pre-set code; if the keypad entries input pre-set code, returning by the calling party match the control of the call to the mobile phone; and automatically answering the call (which reads on column 1 lines 13-34).

Regarding claim 6, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses automatically answering a mobile phone comprising: means for receiving a call; means for detecting the calling party's phone number using a caller ID function (which reads on column 12 lines 60-67); means for determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself, and means for automatically answering the call if the calling party's phone number is flagged as a phone number capable of causing the mobile phone to answer itself (which reads on column 2 lines 21-31).

Regarding claim 7, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses the system answers itself only after a pre-set number of rings. (which reads on column 2 lines 26-31)

Regarding claim 8, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses the means for determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself comprises: means for accessing a table containing one or more phone number entries that have been identified as incoming calling phone numbers capable of causing the mobile phone to answer itself (which reads on column 2 lines 21-31).

Regarding claim 9, Mizikovsky discloses essentially all the claimed invention as set fourth in the instant application, further Mizikovsky discloses the means for determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself comprises means for accessing the mobile phone's contact/phonebook entries to determine if the incoming phone number matches a phone number in the mobile

phone's internal phonebook, and if a match is found, means for determining whether an override flag has been set for the phone number in the mobile phone's internal phonebook, said override flag capable of causing the mobile phone to answer itself (which reads on column 12 lines 60-67).

Regarding claim 10, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses automatically answering a mobile phone comprising : means for receiving a call; means for diverting the call to a voice mail feature if the call is not answered within a pre-set number of rings; means for monitoring the keypad entries input by the calling party, means for determining if the keypad entries input by the calling party match a pre-set code (which reads on column 12 lines 60-67); if the keypad entries input by the calling party match the pre-set code, means for returning control of the call to the mobile phone; and means for automatically answering the call (which reads on column 7 lines 21-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
September 6, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER